



Last summer EPA Regional staff briefed Jodi Peters of Senator Burns' office and Bruce Evans, Clerk of the Interior Appropriations Subcommittee on the Libby Asbestos site. Here is an update.

Clean up Progress

EPA's highest priority at the Libby, Montana Superfund site is the clean-up work that protects human health. In 2005 we planned to clean up 200 properties and completed 219, for a total of 572. We expect to complete another 200 in 2006. We estimate that an overall total of 1300 properties will require cleanup in and around Libby, and an additional 200 to 400 in Troy. The Montana Department of Environmental Quality will take the lead on the cleanup of Troy. A comprehensive sampling program is planned by MDEQ for Troy this summer.

Record of Decision

Our work has been conducted under EPA's emergency response authorities due to the immediate threat presented by the asbestos exposure. In early December, the 9th Circuit Court upheld our use of this authority, affirmed our overall approach to cleanups in Libby, and agreed with a judgment recovering \$54 million in past costs incurred by EPA under that authority. We now know more of the virulent nature of Libby asbestos and are in the process of developing proven analytical and cleanup methods to respond to the technical problems uniquely associated with this type of asbestos. These analytical techniques and their interpretation require vetting within the scientific community to ensure their efficacy. These matters may also require that the Agency examine its regulatory approaches to address different forms of asbestos with distinctive characteristics.

Quickly resolving these matters is critical as the Agency prepares to issue a Record of Decision (ROD) that takes the response action into a longer-term Remedial Action strategy, providing for more precise standards and addressing long-term concerns such as how to manage Libby asbestos remaining in place.

A number of technical reports are currently in various stages of production to support the Baseline Risk Assessment, Remedial Investigation, and Feasibility Study leading to the Proposed Plan and ROD. Prior to issuing the Proposed Plan the Agency's intended remedy must also undergo review by the National Remedy Review Board.

In addition to time-intensive technical review by the Agency and others within the scientific community, the Libby community expects to examine and comment on these documents. Public review of our work is a critical path item in issuing a ROD. We need community support, making it unwise to rush its review or undervalue its concerns. In addition, EPA must carefully consider the comments submitted and provide thoughtful responses so that our ultimate remedial decision can be easily understood.

The following table summarizes the primary technical products underway.

Deliverable	Final Target	Comments
Phase 2 Report	February	Nearly done; updating based on interim Tech Memo 11 (TM 11); send for Technical Assistance Grant (TAG) group review next.
Ambient Air Report	March	Nearly done; internal statistical review; send for TAG review next.
Quality Assurance / Quality Control Report	March	Must finish TM 11 first.
Contaminant Screening Study Results Tech Memo	January	Complete.
Performance Evaluation Study Report	March	Summary of all methods & data. Rough draft complete.
Worker Data Summary	March	Currently evaluating data.
Non Cancer Reference Concentration Report	February	Working with Univ of Cincinnati on data transfer.
Update Response Action Work Plan	March	Update to reflect most current cleanup approach and incorporate all modifications.
Tech Memo 9 Indoor Dust Trends	February	First draft out for internal review.
TM10 Soil/Visible Trends	February	Waiting on worker data.
TM11 Combine Transmission Electron Microscopy Results;	January	Internal statistical review.
TM13 Dust Under Carpets	December	Complete.
TM14 Perimeter Air Summary	March	Data & risks. CDM field report; SRC data & risks. Track w/ambient air.
TM15 Demolition Summary	March	Data & risks. Awaiting some re-analysis. CDM field report; SRC data & risks.
TM16 Cumulative Exposure Pilot	April	Pilot work done; analyzing initial samples. Extend to actual residents next.
TM 17 Soil to Dust Partitioning Coefficient	February	Updating based on interim results now.
Baseline Risk Assessment	May	Outline complete; waiting on data and completion of TM's for 1 st draft.
Remedial Investigation Report	May	Jim did initial rough draft. SRC assist to final draft. CDM compile and publish.
Feasibility Study Report	May	Jim/CDM initial draft done. CDM compile and publish.
Proposed Plan	Mid-summer	
Record of Decision		Finalize after comment period & response.

Recent Developments

Key developments have also contributed to delay.

- Regional staff working on the Libby site are frequently needed to support the upcoming criminal trial of seven former W.R. Grace officers and employees as potential witnesses in that case. Discovery is currently underway and unavoidable. This presents a periodic and significant burden to our staff working on the various end products leading to a ROD for Libby, as it does to staff in each EPA region having a Libby related site.

- One of our key Libby project managers has been called on to allocate recoverable costs from those that are not for our next cost recovery submission to the District Court. This will diminish his ability to apply 100% of his time to the project.

Site Schedule

The litigation does not affect our highest priority, cleanup. Cost recovery, likewise, does not affect cleanup. Recent actions dedicating certain staff exclusively to field work and clean-up related project management makes this possible.

The Region originally intended to issue a Record of Decision in the late spring of this year. We recently modified that timeframe and now plan on issuing a Proposed Plan to the public in mid-summer. This change results from the matters specified herein: primarily the novel technical and policy matters before us, but also the continuing demands to support the criminal and civil cases and the cost recovery work.

The ROD will be completed and signed after the Proposed Plan is issued for public comment, the subsequent 60 day public comment period, and EPA's response to comments. Barring any controversy as a result of public input, we anticipate signing the ROD by the end of the calendar year.